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NOTICE TO THE INDUSTRY

Please be advised that a recent amendment to N.J.S.A. 33:1-26 permits certain individuals convicted of crimes of moral turpitude to be employed on a licensed premises without the need to obtain a rehabilitation permit. To reflect this change, the Employee List E-141 form has been updated and will take effect on January 1, 2013. All licensees are required to revise their E-141 forms to this new and prescribed form by March 1, 2013.

Under this new amendment, any individual employed on a licensed premises must apply for a rehabilitation permit, no matter the duties the individual would perform for the licensee, if that individual was :

1. Convicted of a sex offense as enumerated in subsection b. of N.J.S.A. 2C:7-2, or
2. Convicted of a crime involving moral turpitude while employed on a licensed premises.

Additionally, individuals who are convicted of crimes of moral turpitude who will have duties they would perform for the licensee that involve:

1. Serving, selling or soliciting the sale of any alcoholic beverage;
2. Participating in the mixing, processing or preparation of alcoholic beverages;
3. Providing private security or admission-monitoring services for the premises; or
4. Providing or participating in any management or professional services

must apply for a rehabilitation permit in order to work on the licensed premises.

Employees who fall outside the categories listed in 1 through 4 above would not need a rehabilitation permit to work on the licensed premises. For example, employees hired to perform duties in the kitchen area of the licensed premises may be exempt for the rehabilitation requirement provided that the crime of moral turpitude did not occur on the licensed premises. However, those employees that have been convicted but are exempt from needing a rehabilitation permit still have to answer "yes" to the question regarding criminal convictions on the Employee List E-141 form.



As a result of this amendment, the Employee List E-141 form has been amended to reflect this change. As a licensee, you are required under N.J.A.C. 13:2-23.13(a)3 to keep the proscribed E-141 form on the licensed premises and updated in all aspects. Therefore, in light of this change, all licensees must use the new prescribed form, which is enclosed. The new E-141 form is similar to the prior form. However, should an employee answer "yes" to having been convicted of a crime, the next box on the form must be completed as to whether a rehabilitation permit or disqualification removal is needed for that employee. If that employee does not fall into the above categories, no rehabilitation permit or disqualification removal is required.

It is important that the licensee, in light of the change, question all employees when updating to the new form. It is also imperative to understand that when and if an employee changes employment positions within the licensee's organization, the E-141 must be updated and reviewed to make sure all aspects of N.J.S.A. 33:1-26 is complied with. For example, an employee that has a conviction for a crime of moral turpitude that is working as a cook on the licensed premises does not need a rehabilitation permit. Should that cook, however, be promoted to the position of being a server, he would then need to obtain a rehabilitation permit to be employed as a server on the licensed premises as he would be serving alcoholic beverages.

As stated, all licensees are required to revise their E141 forms to this new prescribed form and ensure that it is complete and up to date by March 1, 2013. Failure to comply with the requirements under N.J.S.A. 33:1-26 and N.J.A.C. 13:2-23.13(a)3 will result in administrative charges against the license and a possible suspension.